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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,354	08/05/1999	ROBERT R. BUCKLEY	103044	5438

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 08/28/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/368,354

Applicant(s)

BUCKLEY ET AL.

Examiner

Madeleine AV Nguyen

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

This communication is responsive to amendment filed on June 14, 2002.

Applicant amends claims 1 and 10.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borg et al (US Patent No. 6,289,364).

Concerning claims 1 and 10, Borg et al discloses a system (Fig.1) and method (Fig.2) of processing image data of a color image for marking wherein the color image containing overmarked pixels where at least one first color (foreground color) is to be overmarked by a second color (background color) comprising means for or steps of generating information that designated the overmarked pixels (110, Fig.1; 200, 205, Fig.2); performing image processing to create an image of the color image, the image processing including overmarking processing that allows both the at least one first color and the second color to be included in the overmarked pixels (120, Fig.1, 210, Fig.2) and modifying image data of the overmarked pixels in the raster image (125, Fig.1; 215, Fig.2).

Borg et al does not specifically disclose that the first and second colors are included in the same raster image. However, Borg teaches that the raster image processor receives a file of instructions and images and blends the images in accordance with the specified blending mode (Abstract). It is noted that “a blend mode” is defined as “The way in which two or more colors can be combined” (col. 3, lines 16-17) and “blending” is defined as “The process of combining a foreground color and a background color ...” (col. 3, lines 20-28). It would have been obvious to one skilled in the art at the time the invention was made to consider the raster image processor in Borg et al output a raster image that allows both the at least one first color and the second color to be included since the raster image processor produces a blended image which includes a combination of the foreground and background colors.

Concerning claims 2-5, 11-14, Borg et al further teaches that modifying the image data of the overmarked pixels comprises modifying image data corresponding to the at least one first color; outputting the image, including the modified image data to a marking driver; modifying image data of the overmarked pixels comprises modifying a value of image data corresponding to at least one first color; reducing amount of marking material corresponding to the one first color applied to a marking substrate (Figs.3-6, 11; Abstract; col. 2, line 42 - col. 3, line 28; col. 4, lines 7-63; col. 5, line 60 – col. 6, line 14; col. 6, lines 27-46).

Concerning claims 19-22, Borg et al further teaches a printer, a digital copier incorporating the system as set forth in claim 10 and a storage medium on which is stored a program that implements the method set forth in claim 1 and which is stored data that has been processed according to the method set forth in claim 1 (Fig.1).

Art Unit: 2622

3. Claims 6-9, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borg et al as applied to claims 1 and 10 above, and further in view of Shaughnessy et al (US Patent No. 5,075,787).

Concerning claims 6-9, 15-18, Borg fails to teach means for or steps of generating tags that correspond to the overmarked pixels; the overmarked pixels correspond to a black image and the tags indicate that the overmarked pixels are black image pixels; the overmarked pixels correspond to one of black text and a black stroke; a pattern recognition device that recognizes specified patterns and designates pixels that form the recognized patterns as the overmarked pixels. Shaughnessy et al teaches a reproduction apparatus which detects the overmarked pixels where at least one first color is to be overmarked by a second color including means for or steps of as discussed above (col. 6, line 2 – col. 8, line 13; col. 10, line 8 – col. 11, line 59; col. 12, lines 10–65; col. 13, lines 19–64; col. 14, lines 63–66). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of Shaughnessy to the raster image processor in Borg since both of them teaches the processing of color image with overmarked pixels. That combination would provide a raster image processor which can detect the areas of overmarked pixels.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Terada et al (US Patent No. 5,436,733) discloses an image processing apparatus for combining image data and texture image data.

Art Unit: 2622

b. Delean (US Patent No. 5,790,708) teaches an image processing system with pre-processing, image editing and raster image processing.

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Art Unit: 2622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2622

AV  
August 23, 2002